

Exhibit 14 to Plaintiff's Response To Defendant's Motion for Summary Judgment

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION

 **COPY**

4
5 HAZEL M. ROBY, as Administratrix
6 of the Estate of RONALD TYRONE ROBY,
7 deceased,
8 Plaintiff,

9 CIVIL ACTION FILE

10 vs.

11 NO. 2:05CV194-T

12 BENTON EXPRESS, INC., et al.,
13 Defendants.

14
15 VIDEOTAPED DEPOSITION OF
16 BARRY LYNN WEEMS

17
18 September 26, 2005
19 11:42 a.m.

20
21 1180 West Peachtree Street
22 Suite 900
23 Atlanta, Georgia

24
25 Lisa Fischer, CCR-B-1277, RPR, CRR

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1 particular, your job at Benton, there's a lot
2 depending on the various trucker's personal
3 decisions on how they think they can best
4 accomplish their job?

5 A. I don't know.

6 MR. BROCKWELL: Object to the form.

7 If you know what the standard
8 for the whole industry is, then you
9 can answer.

10 Q. (By Mr. Boone) I was more
11 specifically talking about Benton as far as
12 when to call in. I think you've answered this,
13 but when to call in, there's nothing written,
14 is there?

15 A. I don't know.

16 Q. Well, nothing you use is -- have you
17 read anything that's in writing, that's why you
18 do what you do?

19 A. No.

20 Q. And what you do is just based on what
21 you think from your judgment is the best thing
22 to do under the circumstances?

23 A. Yes.

24 Q. And what I'm asking -- what I'm trying
25 to figure out is if somebody told you, we do

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1 Q. Nobody at Benton ever told you that?

2 A. No.

3 Q. That you ought to be in regular
4 communication in transit?

5 A. No.

6 Q. And that if you wasn't in regular
7 communication in transit, that that would be
8 considered suspicious and highly irregular?

9 A. No.

10 MR. BROCKWELL: He's already told us
11 about he's been told --

12 MR. BOONE: I'm not asking about
13 back then. Please let him answer
14 the question. I'll let you follow
15 up, and you can clear up anything.

16 MR. BROCKWELL: I'm just stating
17 this, that he's already testified
18 about --

19 MR. BOONE: You can object to
20 the form. Did my question deserve
21 an objection for form, or are you
22 just trying to testify?

23 MR. BROCKWELL: No, I'm not
24 trying to testify. I'm just saying
25 that he has already testified about